IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 34479 of 1997

Between:
Chukka Veerabhadreswara rao S/o.Andaiah
II Additional Munisf Magistrate Court , Rajahmundry.
..... PETITIONER

AND
1 The Registrar (Administration)
High Court of A.P Hyderabad.
2 The Dist Judge
East Godavari , Rajahmundry.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue a writ order or direction more particularly one in the name of writ of Mandamus declaring that the circular issued by the 1st respondent in R.O.C.No.1025/97-C.1 (3) Dt: 27-5-1997 as illegal, arbitrary and contrary to the G.O.Ms.No.165 General Administration (Services-C) Dept Dt: 22-5-1997 and consequently direct the respondents herein to consider petitioner's case for promotion as U.D. Clerk and pass such other order or orders.

For the Petitioner: MR. P. Lradha Krishna, Advocate.

For the Respondent No.: MR.C.V.NAGARJUNA REDDY, SC for High
Court (not Present)

The Court Made the Following :

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ORAL ORDER : (per the Hon'ble The Chief Justice)

The challenge in this writ petition to the circular dated 27.5.1997 issued by the Registrar (Administration) saying that G.O (Ms) No. 165, dated, 22.4.1997 per se is not applicable to the employees working in Judiciary is wholly misconceived. The G.O. issued by the Government exempting the Government employees who have crossed 45 years of age from passing departmental tests/ special tests prescribed in the special rules, as usual was circulated to all unit officers in the subordinate Judiciary and therefore, necessity arose for the Registrar (Administration) to issue the circular that per se the G.O. is not applicable to the employees of the Judiciary.

Learned counsel for the petitioner frankly, and, rightly so, admitted that the employees working in the Judiciary cannot claim the benefit per se of any G.O. issued by the Government unless the same is adopted by the High Court. It is for the High Court to adopt or not to adopt any G.O. issued by the Government and when the High Court informed all the Unit Heads of the subordinate Judiciary that circular of Government is not per se applicable to employees working in Judiciary, no challenge can be made to the said circular on the ground that High Court ought not to have issued such a circular.

Therefore, the Writ Petition is dismissed. No costs.

DEVINDER GUPTA, C.J.

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G. ROHINI,
J.

25th day of June, 2004

kvsn

To

1 The Registrar (Administration)
High Court of A.P Hyderabad.
2 The Dist Judge
East Godavari , Rajahmundry.
3. Two C. D. Copies.